




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

APR 14 2005

MEMORANDUM FOR: Conrad C. Lautenbacher, Jr.
Vice Admiral, U.S. Navy (Ret.)
Under Secretary of Commerce for
Oceans and Atmosphere

FROM:


William T. Hogarth, Ph.D.

SUBJECT: Correspondence: Senator Inouye's Support of a Gray Whale Hunt by
the Makah Tribe of Washington State

Name of Correspondent: Senator Daniel K. Inouye, Vice-Chairman, Senate Committee on
Commerce, Science, and Transportation

Subject/Issues Raised by Correspondent: Support for the Makah Tribe's proposal for a waiver of
the Marine Mammal Protection Act's (MMPA) moratorium on taking marine mammals.

Major Points in the Response: The National Oceanic and Atmospheric Administration's
(NOAA) National Marine Fisheries Service (NMFS) is responsible for implementation of the
Marine Mammal Protection Act (MMPA) for the Department of Commerce.

- NMFS and NOAA General Counsel staff are considering the Makah Tribe's proposal.
- If the proposal contains sufficient information to consider the substance of the petition
and initiate the formal rule-making process, NMFS will comply fully with the MMPA
and the National Environmental Policy Act (NEPA) in any upcoming federal actions.

Potential Controversy: Some constituent groups are strongly opposed to the Makah's request to
resume their traditional gray whale hunting to exercise the rights included in the Treaty of Neah
Bay. These groups assert the whale hunting tradition was ended during the 70-year period
during which the Makah did not hunt gray whales.

Other Pertinent Information: NOAA and NMFS cannot express support or lack of support for
the Makah Tribe's proposal until the environmental impacts of authorizing the hunt have been
evaluated under NEPA.

Clearance Comments: Cleared by the National Marine Fisheries Service

Contact Person: Laurie K. Allen, Director, Office of Protected Resources, (301) 713-2332.

